

MOTION TO VACATE UNAUTHORIZED JUDICIAL ACTIONS AND COMPLAINT OF JUDICIAL MISCONDUCT

Application denied as moot. The Clerk of Court has removed the ruling by Judge Lehuburger from this docket, having deemed it incorrectly filed in this case.

TO THE HONORABLE COURT AND CHIEF JUDGE:

The Clerk of Court is directed to terminate ECF No. 17.

Case no. 24-cv-7442

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.

Dated: May 14, 2025

COMES NOW Plaintiff, pro se, and respectfully moves this Court to:

1. **Vacate all decisions, orders, or actions entered by Judge Lehuburger** in this matter, as said judge was **not duly assigned** to this case pursuant to standard random assignment protocols and appeal this entry to Hon. Rearden;
1. File this as a **formal complaint of judicial misconduct** under the Judicial Conduct and Disability Act, 28 U.S.C. § 351, and the Code of Conduct for United States Judges;
2. Request **investigation, reassignment, and appropriate administrative or disciplinary remedies** for these violations.

FACTUAL BACKGROUND

1. Plaintiff is the named party in this action currently pending in the U.S. District Court for the Southern District of New York;
2. Upon review of the court docket, it appears that Judge Lehuburger has entered substantive rulings, including [describe rulings or orders], **without formal assignment** to this matter;
3. Case assignment rules for this jurisdiction, including those of the Judicial Conference and local district court, require **random and impartial assignment** of judges to prevent bias and promote due process;
4. Plaintiff was not notified of a transfer, reassignment, or recusal process and did not consent to adjudication by the presiding judge;
5. This judge's entry of decisions without assignment appears to **violate local court rules**, the **Code of Conduct for U.S. Judges (Canon 2 and 3)**, and judicial impartiality safeguards.

GROUND FOR RELIEF

This motion is grounded in the following authorities:

- **28 U.S.C. § 351:** Allows any person to file a complaint alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.

- **Federal Rule of Civil Procedure 72:** Outlines the procedures for magistrate judges handling pretrial matters and emphasizes the necessity of proper assignment
 - **Code of Conduct for United States Judges:**
 - **Canon 2:** A judge should avoid impropriety and the appearance of impropriety in all activities.
 - **Canon 3:** A judge should perform the duties of the office fairly, impartially, and diligently.
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REQUESTED RELIEF

Plaintiff respectfully requests that the Court:

1. **Vacate all rulings, decisions, and orders** entered by Judge Lehuburger due to lack of judicial assignment authority;
 2. **Refer this matter to the Chief Judge or appropriate Judicial Council** for review and corrective action;
 3. Reassign this matter through the **standard random assignment process**;
 4. Grant any other relief that the Court deems just and proper in the interest of fairness and judicial integrity.
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Respectfully submitted,
Lucio Celli

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CLOSED,ECF,PRO-SE

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:24-cv-07442-JHR**

Celli v. AG GARLAND AND THE AUSA OF YOUR
DISTRICT1 et al

Assigned to: Judge Jennifer H. Rearden
Cause: 28:1331 Fed. Question

Date Filed: 10/02/2024

Date Terminated: 03/24/2025

Jury Demand: None

Nature of Suit: 550 Prisoner: Civil Rights

Jurisdiction: Federal Question

Plaintiff

Lucio Celli

represented by **Lucio Celli**
89 Widmer Road
Wappingers Falls, NY 12590
(718) 547-9675
PRO SE

V.

Defendant

**AG GARLAND AND THE AUSA OF
YOUR DISTRICT1**

Defendant

Judge Englmayer

Defendant

Judge Swain

Defendant

Judge Livingston

Defendant

Judge Seibel

Defendant

AG Garlan

Defendant

AUSA of EDNY

Defendant

Nephew
Officer Probation

Defendant

Cudina

Defendant

Sparks

Defendant

Lombardo

Defendant

Weinrauch

Defendant

Federal Defender

Defendant

US Marshals

Defendant

Ms. Kellaman

Defendant

Perez Randi Wiengarten

Defendant

Judge Cogan

Defendant

Santana

Defendant

Mysliwicz

Defendant

Mr. Silverman

Date Filed	#	Docket Text

10/02/2024	<u>1</u>	COMPLAINT against AG GARLAND AND THE AUSA OF YOUR DISTRICT1, AUSA of EDNY, Cogan, Cudina, Englmaier, Federal Defender, Garlan, Kellaman, Livingston, Lombardo, Mysliwiec, Nephew, Santana, Seibel, Silverman, Sparks, Swain, US Marshals, Weinrauch. Document filed by Lucio Celli..(gp) (Entered: 10/02/2024)
10/02/2024		Case Designated ECF. (gp) (Entered: 10/02/2024)
10/02/2024		Case Designated ECF. (gp) (Entered: 10/02/2024)
10/02/2024	<u>2</u>	STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127 Standing Order filed March 18, 2024). To ensure that all cases heard in the Southern District of New York are handled promptly and efficiently, all parties must keep the court apprised of any new contact information. It is a party's obligation to provide an address for service; service of court orders cannot be accomplished if a party does not update the court when a change of address occurs. Accordingly, all self-represented litigants are hereby ORDERED to inform the court of each change in their address or electronic contact information. Parties may consent to electronic service to receive notifications of court filings by email, rather than relying on regular mail delivery. Parties may also ask the court for permission to file documents electronically . Forms, including instructions for consenting to electronic service and requesting permission to file documents electronically, may be found by clicking on the hyperlinks in this order, or by accessing the forms on the courts website, nysd.uscourts.gov/forms . The procedures that follow apply only to cases filed by pro se plaintiffs. If the court receives notice from the United States Postal Service that an order has been returned to the court, or otherwise receives information that the address of record for a self-represented plaintiff is no longer valid, the court may issue an Order to Show Cause why the case should not be dismissed without prejudice for failure to comply with this order. Such order will be sent to the plaintiffs last known address and will also be viewable on the court's electronic docket. A notice directing the parties' attention to this order shall be docketed (and mailed to any self-represented party that has appeared and has not consented to electronic service) upon the opening of each case or miscellaneous matter that is classified as pro se in the court's records. (Signed by Judge Laura Taylor Swain on 3/18/2024) (gp) (Entered: 10/02/2024)
10/02/2024		CASE MANAGEMENT NOTE: For each electronic filing made in a case involving a self-represented party who has not consented to electronic service, the filing party must serve the document on such self-represented party in a manner permitted by Fed. R. Civ. P. 5(b)(2) (other than through the ECF system) and file proof of service for each document so served. Please see Rule 9.2 of the courts ECF Rules & Instructions for further information..(gp) (Entered: 10/02/2024)
10/02/2024		NOTICE OF CASE REASSIGNMENT - SUA SPONTE to Judge Laura Taylor Swain. Judge Unassigned is no longer assigned to the case. (tro) (Entered: 10/03/2024)
10/03/2024		MAILING RECEIPT: Document No: 2. Mailed to: Lucio Celli 89 Widmer Road Wappingers Falls, NY 12590. (tro) (Entered: 10/03/2024)
10/10/2024	<u>3</u>	ORDER DIRECTING PAYMENT OF FEE OR IFP APPLICATION: Plaintiff is directed to render payment of the filing fee or submit an IFP application to this Court's <i>Pro Se</i> Office within thirty (30) days of the date of this Order. The Clerk of Court is

		directed to assign this matter to my docket. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore <i>in forma pauperis</i> status is denied for the purpose of an appeal. See <u>Coppedge v. United States</u> , 369 U.S. 438, 444-45 (1962). Filing Fee due by 11/12/2024. In Forma Pauperis (IFP) Application due by 11/12/2024. (Signed by Judge Laura Taylor Swain on 10/10/2024) (sac) (Entered: 10/10/2024)
10/10/2024		MAILING RECEIPT: Document No: 3. Mailed to: Lucio Celli 89 Widmer Road Wappingers Falls, NY 12590. (sac) (Entered: 10/10/2024)
11/08/2024	4	REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Lucio Celli.. (nb) (Main Document 4 replaced on 11/12/2024) (nb). (Entered: 11/08/2024)
11/08/2024	5	LETTER addressed to Judge Laura Taylor Swain dated 11/8/2024 re: Your clerks have been helpful to me. The clerks in pro se unit are obstructing justice.. Document filed by Lucio Celli.(jjc) (Entered: 11/13/2024)
11/14/2024	6	ORDER GRANTING IFP APPLICATION: Leave to proceed in this Court without prepayment of fees is authorized. 28 U.S.C. § 1915. (Signed by Judge Laura Taylor Swain on 11/14/2024) (sac) (Entered: 11/14/2024)
11/14/2024		MAILING RECEIPT: Document No: 6. Mailed to: Lucio Celli 89 Widmer Road Wappingers Falls, NY 12590. (sac) (Entered: 11/14/2024)
11/15/2024		MAILING RECEIPT: Document No: 6. Mailed to: Lucio Celli 89 Widmer Road Wappingers Falls, NY 12590. (tro) (Entered: 11/15/2024)
11/20/2024	7	LETTER addressed to Judge Laura Taylor Swain re: Letter from Lucio Celli. (jw) (Entered: 11/22/2024)
11/20/2024	8	LETTER addressed to Judge Laura Taylor Swain re: Letter from Lucio Celli (jw) (Entered: 11/22/2024)
12/03/2024		NOTICE OF CASE REASSIGNMENT to Judge Jennifer H. Rearden. Judge Laura Taylor Swain is no longer assigned to the case. (vba) (Entered: 12/03/2024)
12/03/2024		Magistrate Judge Stewart D. Aaron is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (vba) (Entered: 12/03/2024)
12/18/2024	9	LETTER addressed to Judge Jennifer H. Rearden and Magistrate Judge Stewart D. Aaron from Lucio Celli dated 12/18/2024 re: I request Your Honor issue summons either to the US Marshals or to me. Document filed by Lucio Celli. (sac) (Entered: 12/19/2024)
01/10/2025	10	LETTER addressed to Judge Jennifer H. Rearden from Lucio Celli dated 1/10/2025 re: I hope this letter finds you well. I am writing to bring to your attention concerning actions by Clerk Wolfe that I believe constitute serious misconduct and criminal behavior under 18 U.S.C. § 241. My ability to access the court and obtain necessary

		records has been repeatedly impeded, severely affecting my right to due process and liberty. Document filed by Lucio Celli.(km) (Entered: 01/14/2025)
01/10/2025	11	MOTION to issue summons either to the US Marshals or me. Document filed by Lucio Celli.(vba) (Entered: 01/14/2025)
01/10/2025	12	MOTION for judicial recusal. Document filed by Lucio Celli.(vba) (Entered: 01/14/2025)
03/24/2025	13	OPINION & ORDER: For the foregoing reasons, the Court dismisses this action without prejudice to Plaintiff pursuing, outside of this Court, claims on direct appeal from his conviction or in a collateral challenge to his conviction. The Court again warns Plaintiff that if he files any further litigation in this Court challenging his Eastern District of New York conviction, it may result in an order barring him from filing any new action challenging that conviction, without prior permission. See 28 U.S.C. § 1651. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Court directs the Clerk of Court to close this case. SO ORDERED. (Signed by Judge Jennifer H. Rearden on 3/24/2025) (mml) (Entered: 03/25/2025)
03/26/2025		MAILING RECEIPT: Document No: 13. Mailed to: Lucio Celli 89 Widmer Road Wappingers Falls, NY 12590. (nb) (Entered: 03/26/2025)
04/13/2025	14	MOTION TO DENY DISMISSAL OF CONSPIRACY CLAIM AGAINST PRIVATEACTOR AND TO GRANT LEAVE FOR EVIDENTIARY HEARING. Document filed by Lucio Celli. (ar) (Entered: 04/15/2025)
04/14/2025	15	MOTION TO COMPEL FINANCIAL DISCLOSURE AND REQUEST FORENSIC AUDIT BASED ON JUDICIAL MISCONDUCT AND POLITICAL INFLUENCE IN EMPLOYMENT MATTERS. Document filed by Lucio Celli. (jjc) (Entered: 04/16/2025)
04/17/2025	16	ORDER denying 15 Motion to Compel. Denied as frivolous and vexatious. SO ORDERED. (Signed by Magistrate Judge Robert W. Lehrburger on 4/17/2025) (mml) (Entered: 04/17/2025)
04/18/2025		MAILING RECEIPT: Document No: 16. Mailed to: Lucio Celli 89 Widmer Road Wappingers Falls, NY 12590. (kgo) (Entered: 04/18/2025)

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